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EXAMINER

PHAM, THOMAS K

ART UNIT

PAPER NUMBER

2121

DATE MAILED: 03/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/001,261

Applicant(s)

WILLIAMSON, CHARLES G.

Examiner

Thomas K. Pham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-10,12-21,23-32 and 34-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-10,12-21,23-32 and 34-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Response to Amendment

1. This action is in response to the amendment filed on 8/17/2005.
2. Applicant's arguments with respect to the last office action have been considered but are moot in view of the new ground(s) of rejection.

Quotations of U.S. Code Title 35

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim Rejections - 35 USC § 101

5. The language of the claim raises a question as to whether the claim is directed merely to an abstract idea that is not tied to a technological art, environment or machine which would result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101.

Claim 34 is rejected under 35 U.S.C. 101 as directed to non-statutory subject matter. The claimed invention is nothing more than an abstract idea that is not a practical application producing a tangible result because the phrase “a machine-readable signal-bearing medium” as defined in the specification (page 13 paragraphs 130 and 131) could include medium such as “paper” and/or “a modulated carrier signal”.

A claimed signal has no physical structure, does not itself perform any useful, concrete and tangible result and, thus, does not fit within the definition of a machine, object or storage medium. A “tangible” requirement does not necessarily mean that a claim must either be tied to a particular machine or apparatus or must operate to change articles or materials to a different state or thing. However, the tangible requirement does require that the claim must recite more than a Sec. 101 judicial exception, in that the process claim must set forth a practical application of that Sec. 101 judicial exception to produce a real-world result. *Benson*, 409 U.S. at 71-72, 175 USPQ at 676-77 (invention ineligible because had “no substantial practical application.”). “[A]n application of a law of nature or mathematical formula to a . . . process may well be deserving of patent protection.” *Diehr*, 450 U.S. at 187, 209 USPQ at 8 (emphasis added); see also *Corning*, 56 U.S. (15 How.) at 268, 14 L.Ed. 683 (“It is for the discovery or invention of some practical

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method or means of producing a beneficial result or effect, that a patent is granted . . ."). In other words, the opposite meaning of "tangible" is "abstract."

Claims 35-43 are rejected under 35 U.S.C. 101 as non-statutory for at least the reason that it is not producing a tangible result. Claim 35-43 are depend on claim 34, however, they do not add any feature or subject matter that represent a real-world result.

Claim Rejections - 35 USC § 103

6. Claims 1, 3-7, 9, 10, 12-14, 23-25 and 34-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,521,445 ("Letorey") in view of U.S. Patent No. 5,537,104 ("Van Dort").

Regarding claim 1

Letorey teaches an apparatus, comprising:

- a coffeemaker (see Col. 2 lines 62-66);
- a clock with a plurality of timers (see Col. 1 lines 43-51);
- a controller with a communication path to the clock (see FIG. 1, element 6); and
- a network interface connected to the communication path in receipt of a plurality of timer

settings that are set in the clock by the controller that controls the coffeemaker (col. 2 lines 54-64).

Letorey does not specifically teach the controller is configured to form a message containing the state of the coffeemaker apparatus, and the network interface transmits the state message from the network interface for reception by another device.

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However, Van Dort teaches a controller is configured to form a message containing state of an apparatus, and a network interface transmits the state message from the network interface for reception by another device (see Col. 6 lines 1-10 and Col. 7 lines 38-43) for the purpose of establishing a logical connection between an equipment acting as actuator and other equipment units (see Col. 2 lines 14-15).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate system of Van Dort with the device of Letorey because it would provide for the purpose of establishing a logical connection between an equipment acting as actuator and other equipment units.

Regarding claim 12

Letorey teaches a method, comprising:

- receiving at a coffeemaker apparatus with a network interface at least one timer settings at the network interface (see Col. 2 lines 20-33);
- setting a clock with the at least one timer settings (see Col. 2 lines 62-66).

Letorey does not specifically teach setting a state of the coffeemaker apparatus; formatting a state message containing the state; transmitting the state message from the network interface for reception by another device; and controlling the apparatus based on the state of the apparatus.

However, Van Dort teaches setting a state of an apparatus (see Col. 6 lines 54-58); formatting a state message containing the state (see Col. 7 lines 34-37); and transmitting the state message from the network interface for reception by another device (see Col. 7 lines 38-43); and controlling the apparatus based on the state of the apparatus (see Col. 6 lines 56-67) for the

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purpose of establishing a logical connection between an equipment acting as actuator and other equipment units (see Col. 2 lines 14-15).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate system of Van Dort with the device of Letorey because it would provide for the purpose of establishing a logical connection between an equipment acting as actuator and other equipment units.

Regarding claim 23

Letorey teaches an apparatus, comprising:

- means for receiving at a coffeemaker apparatus with a network interface at least one timer settings at the network interface (see Col. 2 lines 20-33);
- means for setting a clock with the at least one timer settings (see Col. 2 lines 62-66).

Letorey does not specifically teach means for setting a state of the coffeemaker apparatus; means for formatting a state message containing the state; means for transmitting the state message from the network interface for reception by another device; and means for controlling the apparatus based on the state of the apparatus.

However, Van Dort teaches setting a state of an apparatus (see Col. 6 lines 54-58); formatting a state message containing the state (see Col. 7 lines 34-37); transmitting the state message from the network interface for reception by another device (see Col. 7 lines 38-43); and controlling the apparatus based on the state of the apparatus (see Col. 6 lines 56-67) for the purpose of establishing a logical connection between an equipment acting as actuator and other equipment units (see Col. 2 lines 14-15).

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Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate system of Van Dort with the device of Letorey because it would provide for the purpose of establishing a logical connection between an equipment acting as actuator and other equipment units.

Regarding claim 34

Letorey teaches a machine-readable signal-bearing medium, comprising:

- receiving at a coffeemaker apparatus with a network interface at least one timer settings at the network interface (see Col. 2 lines 20-33);
- setting a clock with the at least one timer settings (see Col. 2 lines 62-66).

Letorey does not specifically teach setting a state of the coffeemaker apparatus; formatting a state message containing the state; transmitting the state message from the network interface for reception by another device; and controlling the apparatus based on the state of the apparatus.

However, Van Dort teaches setting a state of an apparatus (see Col. 6 lines 54-58); formatting a state message containing the state (see Col. 7 lines 34-37); transmitting the state message from the network interface for reception by another device (see Col. 7 lines 38-43); and controlling the apparatus based on the state of the apparatus (see Col. 6 lines 56-67) for the purpose of establishing a logical connection between an equipment acting as actuator and other equipment units (see Col. 2 lines 14-15).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate system of Van Dort with the device of Letorey because it would provide for the purpose of establishing a logical connection between an equipment acting as actuator and other equipment units.

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Regarding claim 3

Letorey teaches the state of the coffeemaker is a not ready state upon the plurality of timer settings being set (col. 2 lines 33-35).

Regarding claim 4

Letorey teaches a button that when selected results in the state of the coffeemaker being in a ready to brew state (col. 2 lines 30-33).

Regarding claim 5

Letorey teaches a brew timer is set upon a time kept by the clock matching one of the plurality of timer settings and results in the state of the coffeemaker apparatus being in a brewing state (col. 3 lines 2-12).

Regarding claim 6

Letorey and Van Dort do not teach a warming plate that is turned off upon the expiration of a warming timer that is set upon the expiration of the brew timer and results in the state of the coffeemaker being a coffee ready state. However, it would have been obvious to one of ordinary skill in the art for having the warming plate deactivate from any heating element because the timer has expired from warming and no indication of another brewing period has been received by the controller.

Regarding claim 7

Letorey teaches a memory that stores the plurality of timer settings (col. 2 lines 45-47, "the programming means 6 ... the relative time").

Regarding claims 9 and 10

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Letorey a display in communication with the clock over the communication path that displays a time and state on the display (abstract).

Regarding claims 13, 24 and 35

Letorey teaches setting the state of the coffeemaker apparatus to a not ready state upon the setting of the clock with the at least one timer settings (col. 2 lines 33-35).

Regarding claims 14, 25 and 36

Letorey teaches signaling from an input device on the coffeemaker apparatus and setting the state of the coffeemaker apparatus to a ready to brew state in response to the signaling of the input device (col. 2 lines 62-65).

7. Claims 8, 21, 32 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Letorey in view of Van Dort and further in view of U.S. Patent no. 5,848,028 ("Burklin").

Regarding claim 8

Letorey and Van Dort do not specifically teach a time synchronization message having a time that is received by the network interface and results in the clock being set to the time in the time synchronization message. However, Burklin teaches receiving a time synchronization message at the network interface (col. 4 lines 10-20, "an internal device ... of time information.") and setting the clock in response to the time synchronization message (col. 4 lines 24-34, "Incoming time information ... may be included."). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the synchronization information of Burklin with the network of appliances of Letorey because it would provide for

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synchronizing clocks of a plurality of devices connected to a network in order to exchange data more effectively and accurately within a network.

Claims 21, 32 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Letorey in view of Van Dort and further in view of U.S. Patent no. 5,848,028 ("Burklin").

Regarding claims 21, 32 and 43

Letorey and Bennett teach the network interface with the coffeemaker appliance but do not teach receiving a time synchronization message at the network interface and setting the clock in response to the time synchronization message. However, Burklin teaches receiving a time synchronization message at the network interface (col. 4 lines 10-20, "an internal device ... of time information.") and setting the clock in response to the time synchronization message (col. 4 lines 24-34, "Incoming time information ... may be included."). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the synchronization information of Burklin with the network of appliances of Letorey and Bennett because it would provide for synchronizing clocks of a plurality of devices connected to a network in order to exchange data more effectively and accurately within a network.

8. Claims 15-19, 26-30 and 37-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Letorey in view of Van Dort and further in view of U.S. Patent no. 4,980,540 ("Vancha").

Regarding claims 15, 26 and 37

Letorey and Van Dort do not teach the identification that the clock has reached one of the at least one timer settings; and initializing a brew timer to a predetermined time value.

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However, Vancha teaches the identification that the clock has reached a timer setting (col. 3 lines 17-19); initializing a brew timer to a predetermined time value (col. 3 lines 20-21).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the internal electronic timer of Vancha with the automation system of Letorey because it would provide for activating the functions of the coffee making machine remotely by synchronized the network timers and the coffee maker's internal clock.

Regarding claims 16, 27 and 38

Vancha teaches the identification that brew timer has expired (col. 3 lines 22-23); setting a warming timer in response to the brew timer expiring (col. 9 lines 22-28). It would have been obvious to have a state change to a coffee ready state when the brew timer expired because the coffee is in fact ready for use.

Regarding claims 17, 28 and 39

Vancha teaches the identification that the warming timer has expired and changing the state of the coffeemaker apparatus to a not ready state in response to the expiration of the warming timer (col. 9 lines 32-36).

Regarding claims 18, 29 and 40

Letorey, Van Dort and Vancha do not teach the deactivating a warming plate in response to expiration of the warming timer. However, it would have been obvious to one of ordinary skill in the art for having the warming plate deactivate from any heating element because the timer has expired from warming and no indication of another brewing period has been received by the controller.

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Regarding claims 19, 30 and 41

Letorey teaches displaying on a display a time from the clock (abstract).

9. Claims 20, 31 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Letorey in view of Van Dort and further in view of et al. U.S. Patent no. 6,587,739 ("Abrams").

Regarding claims 20, 31 and 42

Letorey and Van Dort do not teach displaying on a display a state of the coffeemaker appliance.

However, Abrams et al. teaches the status information of the coffeemaker appliance is displaying on a display (col. 16 lines 4-7).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the display of Abrams with the network of appliances of Letorey because it would provide for showing the status of the coffee appliance during the brewing process in order to allow users aware of each state as the process happened.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner *Thomas Pham*; whose telephone number is (571) 272-3689, Monday - Thursday from 6:30 AM - 5:00 PM EST or contact Supervisor *Mr. Anthony Knight* at (571) 272-3687.

Any response to this office action should be mailed to: **Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450**. Responses may also be faxed to the **official fax number (571) 273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thomas Pham
Patent Examiner



March 13, 2006